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Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Central Valley Region

Karl E. Longley, Sc, P.E., Chair

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Arnold
Schwarzenegger
Governor

29 May 2009

Mr. Mark Miller
Director of Sanitation
Nevada County Sanitation District No. 1
950 Maidu Ave
Nevada City, CA 95959

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APPROVED
_____ Staff
_____ Supervisor

TENTATIVE ADMINISTRATIVE CIVIL LIABILITY ORDER FOR MANDATORY MINIMUM PENALTIES, NEVADA COUNTY SANITATION DISTRICT NO. 1, LAKE WILDWOOD WASTEWATER TREATMENT PLANT, NEVADA COUNTY

Enclosed is a tentative Administrative Civil Liability Order (Tentative Order), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements 95-115 and R5-2002-0093 (NPDES No. CA0077828) by the Nevada County Sanitation District No. 1 (Discharger) at the Discharger's Lake Wildwood Wastewater Treatment Plant. The Tentative Order assesses civil liability in the amount of **three hundred three thousand dollars (\$303,000)** for effluent limit violations that occurred from 1 January 2000 through 31 December 2007 and that are subject to mandatory minimum penalties under CWC section 13385.

This Tentative Order, which constitutes a settlement of the violations charged in Complaint R5-2008-0532, authorizes the Discharger to dedicate a portion of the penalty amount to fund a Supplemental Environmental Project (SEP) pursuant to California Water Code section 13385(l). The SEP that the Discharger has been permitted to fund with a portion of the penalty amount is Gravel Augmentation Restoration on Lower Deer Creek.

This Tentative Order may become final after a 30-day period, starting from the date listed above, during which time interested parties may comment on this action by submitting information to this office, attention Barry Hilton. Should the Central Valley Water Board receive new information during this comment period, the Central Valley Water Board may withdraw the Tentative Order. **In particular, the Discharger and the Friends of Deer Creek must provide additional information as to when work on the SEP will begin, and must provide comments on the due dates proposed for each of the reports listed in Attachment B to the Tentative Order. Without this information, the tentative Order will be withdrawn.**

Any comments or evidence concerning the enclosed Tentative Order must be submitted to this office, attention Barry Hilton, **no later than 5 p.m. on 29 June 2009**. This includes material submitted by interested parties, including members of the public, who wish to comment on the proposed settlement.

In order to conserve paper and to reduce mailing costs, paper copies of the Tentative Order have been sent to the Discharger only. The full text of the Tentative Order is available on the Central Valley Water Board's website at:

<http://www.waterboards.ca.gov/centralvalley/tentative>.

Anyone may request a paper copy of the Tentative Order by calling Central Valley Water Board staff listed below.

If you have any questions or comments regarding the tentative ACL Order, please contact Barry Hilton at (916) 464-4762.

WENDY WYELS

Supervisor

Compliance and Enforcement Section

Enclosure: Tentative ACL Order

cc w/o encl: Ms. Pamela Creedon, Central Valley Water Board, Rancho Cordova
Mr. Kenneth Landau, Central Valley Water Board, Rancho Cordova
Mr. Kenneth Greenberg, USEPA, Region 9, San Francisco
Mr. Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento
Mr. Reed Sato, Office of Enforcement, SWRCB, Sacramento
Ms. Lori Okun, Office of Chief Counsel, SWRCB, Sacramento
Ms. Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento
Ms. Carol Oz, Department of Fish and Game, Region 2, Rancho Cordova
Nevada County Department of Environmental Health, Nevada City
Mr. Bill Jennings, California Sport Fishing Protection Alliance, Stockton
Mr. John van der Veer, Friends of Deer Creek, Placerville